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**In re Application of
SIEWERTH, Jorg, et al.
U.S. Application No.: 10/019,524
PCT No.: PCT/DE00/01174
International Filing Date: 14 April 2000
Priority Date: 28 June 1999
Attorney's Docket No.: 112740-385
For: METHOD FOR OPERATING A MOBILE
TERMINAL AND A CORRESPONDING
MOBILE RADIO SYSTEM**

COMMUNICATION
REGARDING SECOND
SUBMISSION UNDER
37 CFR 1.42

In a decision mailed 26 March 2002, this Office dismissed the refused the declaration filed by applicants on 27 December 2001 for failure to satisfy 37 CFR 1.497. Specifically, the declaration submitted on 27 December 2001, executed by Heribert Peter as “heir of Martin Peter,” did not state that Heribert Peter is the sole heir of the deceased inventor, and it did not comply with 37 CFR 1.497(b)(2) in that it did not include citizenship, mailing address, and residence information for the deceased inventor, in addition to the heir.

On 30 July 2002, applicant filed the “Response To Communication Regarding Papers Submission Under 37 CFR 1.42” considered herein. The Response included a revised declaration executed by the surviving inventor and by Renate Maria Peter and Herbert Josef Peter on behalf of deceased inventor Martin Peter. Both Renate Maria Peter and Herbert Josef Peter are identified as “Heir of Martin Peter.” The new declaration sets forth the citizenship, mailing address, and residence information for both the deceased inventor and the heirs, as required.

The submission of the declaration executed by heirs of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. In addition, counsel's statement that "the executing person(s) are all heirs of the deceased inventor" is hereby construed as meaning that Renate Maria Peter and Herbert Josef Peter are all of the heirs of the deceased inventor. If these interpretations are incorrect, applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor (or by all the heirs) in response to this decision.

Based on the above, the revised declaration filed 30 July 2002 is **ACCEPTED** under 37 CFR 1.42 and 37 CFR 1.497.

The 30 July 2002 declaration was submitted later than thirty months after the priority date. Accordingly, Deposit Account No. 02-1818 will be charged the \$130 surcharge.

The application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The 35 U.S.C. 371 date is 30 July 2002.



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